



## CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0301  
404-330-6145 – FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)


KASIM REED  
MAYOR

JAMES SHELBY  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Zoning Administrator 

**SUBJECT:** Z-14-15 for 800 Glenwood Avenue S.E. and 0 Chester Avenue S.E. (also formerly known as 860 Glenwood Avenue)

**DATE:** April 10, 2014

---

AN ORDINANCE TO REZONE FROM THE MR-5A/BLO (MULTIFAMILY RESIDENTIAL/BELTLINE OVERLAY) DISTRICT TO THE PD-MU/BLO (PLANNED DEVELOPMENT-MIXED USE/BELTLINE OVERLAY) DISTRICT

The staff is continuing to review the proposed site plan and associated conditions. The property has been posted for an April 23<sup>rd</sup> public hearing.

**STAFF RECOMMENDATION:** Deferred to the April 23<sup>rd</sup> public hearing.

cc: James Shelby, Commissioner, DPCD



## CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0301  
404-330-6145 – FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)


KASIM REED  
MAYOR

JAMES SHELBY  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Zoning Administrator 

**SUBJECT:** Z-13-55 for 3181 Donald Lee Hollowell Hwy, N.W.

**DATE:** April 10, 2014

---

An Ordinance to rezone from the C-1-C (Community Business-Conditional) District to the C-1-C (Community Business-Conditional) District for purposes of a Site Plan Amendment.

#### FINDINGS OF FACT:

- property location: The subject property fronts approximately 785 feet on the north side of Donald Lee Hollowell Parkway and approximately 240 feet from the northwest corner of Watts Road. The property is located in Land Lot 260 of the 17<sup>th</sup> District, Fulton County, Georgia. It is in the Brookview Heights Neighborhood of NPU-G Council District 9.
- property size and physical features: The subject property of approximately 67.09 acres is an irregular shaped lot that is developed with the following uses located onsite: a restaurant, truck refueling station, truck service station and parking. Topography varies throughout the site and there are few mature trees located along the perimeter of the site.
- CDP land use map designation: High Density Commercial
- Current/past use of property: As early as 1967, the site was developed as a truck stop, refueling station, and restaurant. Staff is unaware of any other uses.
- Surrounding zoning/land uses: The subject property is surrounded by properties with a variety of zoning categories to include: C-2 (Commercial Service) to the south, I-1 (Light Industrial) to the east and north, I-2 (Heavy Industrial) to the north and R-4 (Residential) to the west.
- Transportation system: Donald Lee Hollowell Parkway is an arterial street that is serviced by MARTA.

## **PROPOSAL:**

The applicant is requesting a Site Plan Amendment for the purpose of relocating a previously approved fueling station and existing parking. The site was conditioned on a site plan (Z-80-100) that depicted the fueling station on the side of the restaurant. Since this approval, the fueling station was never constructed. Therefore, the applicant has proposed to relocate the proposed fueling station to the front of the property and add a parking area to the northwest corner of the lot. No other changes or modifications are contemplated to the overall development.

## **CONCLUSIONS:**

(1) **Compatibility with comprehensive development plan (CDP); timing of development:**

The proposed change of conditions does not impact the current land use designation of High Density Commercial. Therefore, a CDP amendment is not required.

(2) **Availability of and effect of public facilities and services; referral to other agencies:**

Since the area has been an established Industrial corridor, water and sewage facilities serving the property are assumed to be adequate. However, the capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. At the time, tie-in to specific sewer lines would be determined, as well as any necessary improvements to that part of the sewer line that would lie within boundaries of the development site.

(3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:**

A service station/restaurant is suitable for the subject site as it has operated at the subject site since 1967. Therefore, Staff is of the opinion that no other land to be evaluated for the subject site plan amendment.

(4) **Effect on character of the neighborhood:**

The existing development will continue to have a positive effect on the character of the neighborhood by offering additional fueling options and parking for the existing restaurant. The previously approved site plan included the addition of the fueling station in a different location onsite. The applicant has proposed to relocate the fueling station to the front of the property and add parking. Therefore, the proposed additions would not change the character of the neighborhood as the previously approved site plan anticipated the addition of the aforementioned.

(5) **Suitability of proposed land use:**

Staff is of the opinion that the proposed request to rezone the property would be compatible with surrounding zoning and land uses.

(6) **Effect on adjacent property:**

No negative effects are expected on adjacent properties. Only positive effects can result from the addition of parking and fueling station in a well established industrial corridor. Therefore, Staff is of the opinion that addition of the fueling station and parking spaces would not have a negative effect on adjacent properties.

(7) **Economic use of current zoning:**

While the current zoning conditions allow for economic use of the land, a change of conditions would allow for a more effective economic use of the subject property for the purpose of adding a fueling station and parking. The addition of

parking would allow the facility to properly support its current clientele to the restaurant and new clientele to the proposed service station.

- (8) **Tree Preservation**: It is noted that the applicant has not proposed the removal of mature trees. However, should the proposal necessitate the removal of trees and recompense, the applicant has confirmed that all policies related to the City of Atlanta Tree Ordinance will be met.

**STAFF RECOMMENDATION: APPROVAL with the following conditions:**

1. The property shall be developed in accordance with the site plan entitled "Petro Stopping Center" dated October 7, 2013 and marked received by the Office of Planning on December 5, 2013.
2. The fueling station shall be limited to six (6) gas pumps.

cc: James Shelby, Commissioner, DPCD



KASIM REED  
MAYOR


**CITY OF ATLANTA**  
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303  
404-330-6145 – FAX: 404-658-7491  
<http://www.atlantaga.gov/Government/Planning.aspx>

JAMES E. SHELBY  
COMMISSIONER

CHARLETTA WILSON JACKS  
DIRECTOR  
Office of Planning

**MEMORANDUM**

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Zoning Administrator 

**SUBJECT:** Z-14-01 2600 Shady Valley Drive (17-00060001029), 2601 Shady Valley Drive (17-00060001028) and 2633 Lenox Road (17-00060001027)

**DATE:** April 10, 2014

The applicant seeks to rezone property from the **R-3 (Single Family Residential) district** to the **RG-4 (Residential General-Sector 4) district** for a townhome development.

The applicant has requested a six (6) month deferral of this case to allow time to work with the impacted community on issues surrounding the request. Staff is supportive of the deferral request.

**STAFF RECOMMENDATION: Six (6) MONTH DEFERRAL-OCTOBER 2014**

cc: James Shelby, Commissioner, DPCD



## CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
404-330-6145 – FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)


M. KASIM REED  
MAYOR

JAMES SHELBY  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Zoning Administrator 

**SUBJECT:** Z-14-03 for 771 Spring Street, N.W.

**DATE:** April 10, 2014

---

An ordinance rezone certain parts of that parcel of real property located at 771 Spring Street, N.W., Land Lot 80, of the 14<sup>th</sup> District of Fulton County, Georgia to remove the designation of Landmark Building or Site from the portion of the site outside the remaining portion of the Crum & Foster Building; and for other purposes.

#### FINDINGS OF FACT:

In 2009 the Atlanta City Council and Mayor Shirley Franklin approved the rezoning of 771 Spring St. to the overlay category of Landmark Building or Site (LBS), pursuant to Section 16-20.005(e)(3) of the Zoning Ordinance of the City of Atlanta. This concluded the process which began on September 24, 2008 when the Atlanta Urban Design Commission nominated the Crum & Forster Building to the category of Landmark Building or Site (LBS) whereas the Crum & Forster Building was found to meet the Landmark Building Eligibility Criteria specified in Section 16-20.004 of the Zoning Ordinance of the City of Atlanta. Subsequently, a Consent Order was entered into by the City and property owner to allow demolition of the rear two-thirds portion of the building which commenced in 2013. However, this Landmark Building or Site overlay is still applicable for the full site in conjunction with the existing underlying zoning of SPI-16, Subarea 1 (Special Public Interest District – 16, Subarea 1) for this site and the surrounding area of Midtown.

## **PROPOSAL:**

This is a request to rezone a portion of the subject property which does not contain the remaining portion of the Crum & Forster building from SPI-16, Subarea 1/LBS (Special Public Interest District – 16, Subarea 1/Landmark Building or Site) to SPI-16, Subarea 1 (Special Public Interest District – 16, Subarea 1). Thus, a portion of the property to the south and east of the remaining Crum & Forster building including a landscaped area and an accessory surface parking lot is proposed be removed to allow the property owner to have less encumbrances for new construction. The overall property shall remain subject to all zoning regulations contained in the Zoning Ordinance of the City of Atlanta applicable to the Special Public Interest District – 16, Subarea 1 as well as any other applicable laws and regulations.

## **CONCLUSIONS:**

### **(1) Compatibility with comprehensive development plan (CDP); timing of development:**

Since only de-designation of Landmark Building or Site for the portion of the site not containing the remaining Crum & Forster building is proposed, no CDP land use changes are necessary. However, the CDP indicates the following goals which highlight the necessity to protect the remaining Crum & Forster building as well as its immediately surrounding area:

#### **4.1.2.4.2. Cultural Resources – Policies of the Historic Preservation Ordinance.**

Policies of the City of Atlanta Historic Preservation Ordinance are:

1. Effect and accomplish the protection, enhancement and perpetuation of such buildings, sites and district, which represent or reflect special elements of the City's cultural, social, economic and architectural history.
2. Safeguard the City's historic aesthetic and cultural heritage, as embodied and reflected in such buildings, sites and districts.
3. Stabilize and improve property values of such buildings, sites and districts.
4. Foster civic pride in the beauty and noble accomplishments of the past.
5. Protect and enhance the City's attractions to tourists and visitors and thereby support and stimulate business and industry.
6. Strengthen the economy of the City.
7. Promote the use of such buildings, sites and districts for the education, pleasure and general welfare of the people of the City.
8. Promote attention to sound design principals in areas of new development and redevelopment.
9. Raise the level of community understanding and expectation for quality in the built environment.
10. Implement the City's comprehensive development plan.

#### **4.1.2.6.2. Urban Design - Preservation of Cultural, Historic and Natural Resources.**

Policies to promote the goal of such preservation include the following:

1. Preserve and protect the city's historic buildings and sites.
2. Preserve historic, cultural and natural resources by integrating them into new and existing developments, parks, greenways and special-event sites while protecting their distinctive qualities.

3. Discourage land speculation and disinvestment that lead to neighborhood buy-outs, demolition of significant buildings (historic or otherwise) or land vacancy (including surface parking lots)

Also, there are no known public projects or programs with which the timing of this de-designation would conflict.

(2) Availability of and effect on public facilities and services; referrals to other agencies: The de-designation of Landmark Building or Site for the portion of the site not containing the remaining Crum & Forster building will have no effect on public facilities or services.

(3) Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need (optional consideration as per 16-27.004(3)): The de-designation of Landmark Building or Site for the portion of the site not containing the remaining Crum & Forster building is not expected to impact other land uses with regard to the public need.

(4) Effect on character of the neighborhood: The de-designation of Landmark Building or Site for the portion of the site not containing the remaining Crum & Forster building will preserve the significant cultural, architectural and historic value of the remaining Crum & Forster Building while allowing other areas or the site to be developed with less encumbrances specifically associated with the Atlanta Urban Design Commission and Certificates of Appropriateness. However, Staff feels careful attention must be paid to any development proposed immediately adjacent to the Crum & Forster Building to ensure compatibility with the historic structure.

(5) Suitability of proposed land use: The de-designation of Landmark Building or Site for the portion of the site not containing the remaining Crum & Forster building does not change the use of the site. However, a certificate of appropriateness (unless provided otherwise as noted in section 16-20.006), shall be required for any of the following actions for the area which would maintain the designation of Landmark Building or Site including:

- To change the exterior appearance of any Landmark Building or Site;
- To erect a new structure or to make an addition to any Landmark Building or Site;
- To demolish or move any Landmark Building or Site in whole or in part; or
- To vary any applicable regulation.

Staff feels careful attention must be made for any proposed addition or structure either attached or immediately adjacent to the Crum & Forster Building to ensure compatibility with the historic structure.

(6) Effect on adjacent property: The de-designation of Landmark Building or Site for the portion of the site not containing the remaining Crum & Forster building is not expected to negatively impact adjacent properties.

(7) Economic use of current zoning: The current SPI-16, Subarea 1 and Landmark Building or Site zoning designations allow for economic use of the property. However the de-designation for the portion of the site not containing the remaining Crum & Forster building would be expected to positively impact the economic value of the property primarily due to less encumbrances



specifically associated with the Atlanta Urban Design Commission and Certificates of Appropriateness.

(8) Compatibility with policies related to tree preservation: The de-designation of Landmark Building or Site will have no impact on policies related to tree preservation.

(9) Other considerations: Section 16-20.006 (c)(2) "...the Department of Community Development, through the Bureau of Planning, shall evaluate each such proposed designation and shall consider the following matters:

- a. City goals and policies as are contained in the comprehensive development plan(CDP);
- b. Impact on proposal on transportation, urban design and other planning and development goals and objectives of the city;
- c. Potential impacts of tax abatements and other financial incentives which may be available to the property owner to assist in preservation;
- d. Potential impacts of tax abatements and other financial incentives in the City budget."

Regarding part a.:

Within the CDP, Staff feels that the de-designation for the portion of the site not containing the remaining Crum & Forster building is appropriate only to the degree that the Crum & Forster building and its immediately surrounding area is protected. Only by maintaining a reasonable area around the building can the de-designation for the portion of the site meet the following criteria outlined in Section 4.1.2.6.2. Urban Design - Preservation of cultural, historic and natural resources.

2. Preserve historic, cultural and natural resources by integrating them into new and existing developments, parks, greenways and special-event sites while protecting their distinctive qualities.

Regarding part b.:

Staff believes that the de-designation for the portion of the site not containing the remaining Crum & Forster building while protecting such building and its immediately surrounding area would fully meets the goals and objectives of the City as outlined in the City's historic preservation ordinance (and also found within the CDP in Section 4.1.2.4.2. Cultural Resources – Policies of the Historic Preservation Ordinance) as follows:

2. Safeguard the City's historic aesthetic and cultural heritage, as embodied and reflected in such buildings, sites and districts.
3. Stabilize and improve property values of such buildings, sties and districts.
6. Strengthen the economy of the City.
8. Promote attention to sound design principals in areas of new development and redevelopment.
9. Raise the level of community understanding and expectation for quality in the built environment.
10. Implement the City's comprehensive development plan.

**STAFF RECOMMENDATION: APPROVAL - Conditional upon the maintaining Landmark Building or Site boundary 12 feet from the remaining building specifically at 100.27' feet from the Spring St. right-of-way and 91.16' from the Armstead Street right-of-way.**

cc: James Shelby, Commissioner, DPCD



## CITY OF ATLANTA

KASIM REED  
MAYOR


DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
404-330-6145 – FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)

JAMES SHELBY  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Zoning Administrator 

**SUBJECT:** U-14-01 for 1160 Moores Mill Road, N.W.

**DATE:** April 10, 2014

The applicant seeks a **Special Use Permit** for a **Community Center** pursuant to Section 16-04B.005 (1) (i) of the Zoning Ordinance to allow for an addition of 30,500 square feet and other improvements to the existing facility and incorporate additional land area under the special use permit.

### FINDINGS OF FACT

- **Property location:** The subject property fronts approximately 331 feet on the south side of Moores Mill Road at the north bound ramp of Interstate 75. It is in the Brandon neighborhood of NPU-C, Council District 8.
- **Property size and physical features:** The subject property of 13.3 acres is developed with a recreational building, tennis courts, swimming pool, children's play area and associated parking. The topography slopes down from Moores Mill Road becoming relatively level and at certain points drops down where the tennis courts are located below the parking area and recreational building.
- **Current/past use of the property:** The property has been used as a community center under a special use permit since 1996.
- **Transportation system:** Moores Mill Road is classified as a collector and Interstate 75 is a north-south multi lane interstate highway. Sidewalks are found along the south side of Moores Mill Road.

### PROPOSAL:

The applicant requests to replace the existing conditioned site plan with a new site plan which indicates the addition of 30,500 square feet space to the recreational building, 87 new parking spaces, one additional tennis court and new pavilion with seating, and two areas for future expansion based on funding availability. The children's play area will be relocated an area off the southeast corner of the recreation building.

The parking area will be reconfigured for a total of 281 parking spaces including the new 87 parking spaces. The new parking area would not be visible from Moores Mill Road due to the sloping topography and landscaping to be added.

The property boundaries also include 1164 Moores Mill Road which the applicant previously purchased and an application for consolidation (CON-14-007) has been filed with the Office of Planning.

- **Ingress and egress:** Ingress and egress to the property will continue through the entrance and access controlled gate located in the southeast corner of the site. This access point will be used by emergency personnel and deliveries too.
- **Parking and loading:** The parking area will be expanded to include an additional 87 parking spaces. When deliveries are made to the facility they park in front of the recreational building and enter the building to make the deliveries.
- **Refuse and service areas:** The YMCA will continue to use a private waste hauler for the disposal of garbage.
- **Buffering and screening:** No modifications to the property are anticipated with regards to buffering and screening. The facility expansions are not expected to generate exterior noise and are located in an area of the site where light spillage will not impact adjacent property.
- **Hours and manner of operation:** The facility provides essential programs, services and opportunities to people of all backgrounds, cultures, incomes ages and abilities. People in the community can connect, pursue active lifestyles and physical activity and feel a sense of community. Operating hours will remain the same, Monday-Thursday 5:00 a.m. – 10:00 p.m.; Fridays, 5:00 a.m. – 9:00 p.m.; Saturday, 7:00 a.m. – 6:00 p.m. and Sunday, 8:30 a.m. – 6:00 p.m.
- **Duration:** The applicant requests an indefinite duration.
- **Required yards and open space:** The applicant indicates all yards and open space requirements are met.
- **Tree Preservation and replacement:** Any tree removal will be governed by the City of Atlanta Tree Ordinance.

## CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Based on the fact that the subject property has operated as a community center since 1996 and, to Staff's knowledge without incident, the proposed ingress and egress to the property should be adequate.

- b) **Off-street parking and loading:** The parking requirement for the community center is one off-street parking space for each 35 square feet of enclosed floor area in the largest assembly room. The gymnasium is the largest assembly area and has 6,870 square feet which requires a minimum of 196 parking spaces. The parking will be expanded for a total of 281 parking spaces which should be more than adequate for the community center.
- c) **Refuse and service areas:** The facility will continue to use a private waste hauler which should be adequate.
- d) **Buffering and screening:** The existing buffering and screening appear to be adequate.
- e) **Hours and manner of operation:** The hours and manner of operation as stated in the application are reasonable.
- f) **Duration:** An indefinite duration is reasonable with conditions.
- g) **Compatibility with policies related to tree preservation:** The applicant will be required to meet the City of Atlanta Tree Ordinance in regards to any tree removal.
- h) **Required yards and open space:** Required yards and open space appear to be met.

**STAFF RECOMMENDATION: APPROVAL** of a Special Use Permit conditioned upon

1. A site plan dated 01-07-14 by Collins Cooper Carusi Architects entitled "Sanders Buckhead YMCA, Atlanta GA" and marked received by the Office of Planning January 15, 2014.
2. The total area of all buildings on the site shall not exceed 85,000 square feet.
3. The height of any addition shall not exceed 35 feet.
4. There shall be no residential facilities on the site.
5. The entrance sign will not change in size, height, or lighting intensity from the existing sign but may be altered and /or reoriented for better visibility.
6. The new parking lot of 87 spaces will be equipped with a card access system and will be sited, landscaped and lighted as to minimize visibility from Moores Mill Road.
- 7.

cc: James Shelby, Commissioner, DPCD



## CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0301  
404-330-6145 – FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)


KASIM REED  
MAYOR

JAMES SHELBY  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Zoning Administrator 

**SUBJECT:** U-14-02 for 120 Ralph McGill Boulevard, N.E.

**DATE:** April 10, 2014

An ordinance granting a Special Use Permit pursuant to Section 16-18A.006 (4)(a) for a Church located at 120 Ralph McGill Boulevard, N.E.

#### FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 264 feet on the north side of Ralph McGill and begins at the northwestern intersection of Ralph McGill and Courtland. The property is in Land Lot 50 of the 14<sup>th</sup> District, Fulton County Georgia. It is in the Downtown neighborhood of NPU M, Council District 2.
- **Property size and physical features:** The subject property is a development that contains a total of three units. The subject of this request is centered on Unit Three which is approximately 13,098 square feet with 264 feet of frontage is currently developed as a two story concrete building. A black wrought iron fence approximately 6 feet in height surrounds the subject property. There are a few mature trees along the Ralph McGill Boulevard side of the subject property.
- **Current/past use of property:** An office complex was once located in Unit three. Staff is unaware of any previous uses.
- **Surrounding zoning/land uses:** The subject property lies within a well established mixed residential and commercial neighborhood that is zoned SPI-1 (Special Public Interest District: Downtown).
- **Transportation system:** Ralph McGill Boulevard and Courtland Avenue are arterial roads that are serviced by MARTA.

## PROPOSAL

The applicant's intent is to convert Unit 3 into a church to be operated by Renovation Church of Atlanta, Inc. The Classrooms and administrative offices will also be located within Unit 3.

- **Ingress and egress:** Ingress and egress will be provided via the attached shared parking deck located off of Currier Street.
- **Off-street parking and loading:** Visitors and employees of the church may utilize the attached shared parking deck. Emergency and service personnel may utilize the on-street parking located directly in front of 120 Ralph McGill. All deliveries and service needs will be met through the front entrance of the proposed church.
- **Refuse and service areas:** The operation of a church will not produce much refuse. Therefore, the applicant has proposed to dispose of any refuse that may be generated by the facility. The applicant has not contemplated the use of a private facility or city services to dispose of refuse.
- **Buffering and screening:** Due to the proposed church being immediately adjacent to Unit 2, the applicant has proposed to install mobile sound buffering partitions in front of exposed windows. Additionally, the applicant's proposal includes tinting the windows which will minimize or eliminate any light emanating from the church.
- **Hours and manner of operation:** The proposed church will operate as follows: Sunday 8am – 1pm (church service) and 5pm – 7pm (office hours), Monday – Thursday 7am – 4pm and Saturday 9am – 12pm. The church currently has a medium sized congregation with members who vary in age. There will be eight (8) employees who will staff one of the aforementioned shifts. The applicant has indicated that there will be special programs offered at the facility however, the applicant did not provide the type of programs offered.
- **Duration:** The applicant has requested that the duration of the Special Use Permit be for an unlimited time.
- **Required yards and open space:** The required yards appear to be met.
- **Tree Preservation and Replacement:** The applicant will continue to adhere to the requirements of the City of Atlanta Tree Ordinance.

## CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** The existing parking deck along with on-street parking should be sufficient to provide continued adequate ingress and egress to the Renovation Church of Atlanta, Inc. The parking areas are sufficient in size to allow vehicular traffic to maneuver from the on-street parking space and to allow emergency vehicles to access the subject property.
- b) **Off-street parking and loading:** Available on-street parking and loading areas on the subject site have been adequate to serve the needs of 120 Ralph McGill Boulevard. Additionally, the SPI-1 zoning category does not require any parking for the proposed church. Therefore, Staff is of the opinion that the existing on-street parking and shared parking deck is sufficient for parking and loading.
- c) **Refuse and service areas:** The applicant has indicated that refuse will be removed by employees of the facility. However, staff is concerned that a plan does not exist for the removal of any refuse. Therefore, Staff is of the opinion that the applicant should provide a disposal plan for any refuse generated by the facility.
- d) **Buffering and screening:** Staff is of the opinion that the proposed buffering and screening methods appear to be sufficient to ensure that noise and light will not negatively impact the adjoining units.
- e) **Hours and manner of operation:** The proposed hours and manner of operation appear reasonable for the proposed church. The church has successfully operated in the City of Atlanta for more than three and is a staple in the community. Therefore, Staff is of the opinion that the addition of the proposed church can only enhance an established mixed residential and commercial neighborhood.
- f) **Duration:** Given the new status of the church with respect to the proposed location, Staff is of the opinion that a 5 year duration would be reasonable.
- g) **Compatibility with policies related to tree preservation:** Staff is of the opinion that the conversion of an office complex to a church will not have an impact on any trees.
- h) **Required yards and open space:** The proposed church will not impact the required yards and open space requirements of the site, which appear to have been met.

## STAFF RECOMMENDATION: APPROVAL conditioned on the following:

1. This Special Use Permit shall be valid as long as Renovation Church of Atlanta, Inc. is the operator.

cc: James Shelby, Commissioner, DPCD





## CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0  
404-330-6145 – FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)


KASIM REED  
MAYOR

JAMES SHELBY  
Commissioner

CHARLETTA WILSON JACKS  
Director, Bureau of Planning

### MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: **Z-13-32 for 4362 Wieuca Road**

DATE: April 10, 2014

---

The applicant seeks a rezoning of the property, from **R-3** to **PD-H**, in view of a new development composed of 5 single-family detached dwellings for the property located at **4362 Wieuca Road**.

### FINDINGS OF FACT:

- **Property location.** The subject property is located in land lot 65 of the 17<sup>th</sup> land district on the south-west side of Wieuca Road. It is located in the North Buckhead neighborhood of NPU-B and within Council District 7.
- **Property size and physical features.** The subject property consists of one tract of land with a street frontage of 214 feet along the south-west side of Wieuca Road, has an average depth of 800 feet and a total acreage of 2.88 acres.  
There is an existing single family house and a shed which are both proposed for demolition to make room for the new development. Topography presents a significant upslope condition from Wieuca Road towards the middle of the site. Beyond that area, there is a down slope condition leading to the rear of the property. The site features two streams located entirely inside the property lines: one at the front, running parallel with Wieuca Road and the second, running along the rear property line. An existing bridge at the front, provides for access to the site. Also, the site has significant tree coverage throughout. There is available public sanitary sewer on Wieuca Road.

- **CDP land use map designation:** Future land use maps indicate a land use designation of Single Family Residential.
- **Current/past use of property:** Historically, the property has been known as 4362 Wieuca Road, NE. Currently, the property is improved with one single family house.
- **Surrounding zoning/land use:** The subject property is located at the north-west part of a large R-3 zoned area. However, in the vicinity, there is a number of other areas zoned PD-H. At the north-west side, the property abuts another very similar development zoned PD-H. The subject property is located in the middle of an entire area that has the land use designation of Single-Family Residential.
- **Transportation system:** Wieuca Road is categorized as a collector street. There is no public transportation available on Wieuca Road. However, Marta rail Red line runs nearby and other bus routes are also available on Peachtree Road and Roswell Road.

## **PROPOSAL:**

This application proposes to create five single-family residential lots served by a common private street.

## **CONCLUSIONS:**

- **Compatibility with comprehensive development plan (CDP); timing of development:** The comprehensive development plan designates the subject property as Single-Family Residential land use; therefore no amendment to the 15-year land use map will be required. At the site location, Staff is not aware of any public projects/programs to conflict with the proposed timing of development.
- **Availability of and affect of public facilities and services; referral to other agencies:** There has been no indication from reviewing agencies that there would not be adequate public utilities/services at the subject location. There is existing public sanitary sewer available at Wieuca Road. The capacity of the sanitary sewer system will be determined by the Department of Watershed Management as well as any required improvements for the sewer connection. The site is located within the Nancy Creek sanitary sewer basin.
- **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The zoning regulations indicate that this consideration is optional. The applicant has not presented any evidence that they own other land in the area that is suitable for this development. There is no negative impact on the balance of land uses.

- **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a positive impact on the neighborhood's character. The proposed development will be similar with two other existing PD-H residential subdivisions just north of the subject site. Additionally, Staff considers this proposal as an improvement over the existing conditions.
- **Suitability of proposed land use:** A change in the 15-year land use map is not required.
- **Effect on adjacent property:** The proposed development would not adversely affect the adjacent properties. The proposed site plan provides for additional buffering conditions along the perimeter of the site along with an improved level of amenities and common areas.  
The site plan identifies landscaped buffers along the north and south property lines, in order to maintain a natural tree buffer from the adjacent single-family developments.
- **Economic use of current zoning:** The subject property has economic use under the existing conditions. However, the proposed development of 5 new houses would certainly represent an economic improvement.
- **Tree Preservation:** In order to accommodate the subdivision, a number of trees will have to be removed, mostly in the middle two-fourths of the site. However, there will still be plenty of tree inventory remaining on site, especially at the north and south portion of the site.
- The following findings are in accordance with Section 16-19.005 (5) of the Zoning Ordinance of the City of Atlanta for Planned Development Districts:
  - a. **The suitability of the tract for the general type of PD zoning proposed.**  
This application is a request for a rezoning. Staff is of the opinion that the request is suitable for a PD-H zoning classification. The property presents certain existing particularities that Staff considers as hardship: the two streams in the front and rear of the site and a challenging topography. Also, the site does not provide for sufficient street frontage along Wieuca Road to allow for two R-3 conforming corner lots and a public street.  
In addition, the existing subdivision which abuts this subject site at the north-west has been developed in a very similar manner, so no precedent would be created.
  - b. **The relationship to major roads and mass transit facilities, utilities and other facilities and services.**  
There is no public transportation available on Wieuca Road. Marta rail Red line north-south is available at the west along with bus route 5 on Roswell Road and other bus routes.
  - c. **The evidence of unified control.**  
The revised site plan submitted by the applicant identifies two main elements of unified control in the future development.

Access to the development will be provided through a shared private street/driveway. Also, the site plan indicates two common areas/amenity. A 5,000 sf common area is proposed to be located at the front of the subdivision and to be designed as a pocket park/sitting area/pergola and benches to overlook the creek. This area will have a mulch/walking path connecting with sidewalks running along the side of the private street, continuing along the side of the bridge and connecting with the future public sidewalk along Wieuca Road. A second common area is proposed at the rear of the property, has approximately 9,000 sf and will be improved with a water feature and a fountain.

This common area will provide for a pedestrian walk/bike path up to the property line shared with the neighboring subdivision. This would allow for a possible future connectivity between the two subdivisions. Staff notes that both of these two common areas are designed to be located outside the required 75' stream buffer.

All these improvements will be privately owned and maintained in common by the future residents and the legal details/maintenance program will be stipulated in certain private covenants.

**d. The suitability of proposed plans.**

The proposed revised site plan (stamped received by the Office of Planning on March 6, 2014) provides sufficient relevant information.

**e. Specific modifications.**

Revised site plans have been submitted to the Office of Planning on March 6, 2014.

**f. The suitability of a maintenance program.**

The applicant has provided no information related to a maintenance program. Staff finds that the site plan identifies facilities and improvements proposed for common use. Staff will require that the development be governed by private covenants to provide for ownership/maintenance of the common areas.

**STAFF RECOMMENDATION: APPROVAL CONDITIONAL upon the following:**

1. Subject to the revised site plan titled "Rezoning Site Plan – Wieuca Road Subdivision" by B. C. Engineering. Inc, dated March 4, 2014 and stamped received by the Office of Planning on March 6, 2014.
2. Developer shall obtain Final Plat approval from Office of Planning before making application for building permits.
3. Developer shall provide the Office of Planning with recorded private covenants as a condition of the approval of the final plat. The document must contain details about ownership and maintenance program for the private street and the two common areas.
4. Property frontage along Wieuca Road as well as both sides of the new internal street shall be improved with new sidewalks according to Americans with Disabilities Act (ADA) and City of Atlanta standards, before approval of the final plat.

5. Any street lighting system for the private roadway shall be designed to allow no light spillage onto any adjoining property.
6. All work to be undertaken by the applicant within the City of Atlanta right-of-way shall be permitted by the Department of Public Works prior to construction.
7. Development of the property shall be subject to all City of Atlanta development regulations including but not limited to, Office of Site Development, Fire Safety Engineer, Public Works Department as well as City of Atlanta Tree Ordinance.

cc: James Shelby, Commissioner, DPCD



## CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0301  
404-330-6145 – FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)


KASIM REED  
MAYOR

JAMES SHELBY  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Zoning Administrator 

**SUBJECT:** Z-13-35 for 2140 Peachtree Road (a portion of), N.W.

**DATE:** April 10, 2014

---

An Ordinance to rezone from the C-3-C/BL (Commercial Residential-Conditional/Beltline Overlay) District and C-3/BL (Commercial Residential/Beltline Overlay) District to the C-3-C/BL (Commercial Residential-Conditional/Beltline Overlay) District for purposes of a change of conditions.

**STAFF RECOMMENDATION:** Deferred to the April 17<sup>th</sup> public hearing

cc: James Shelby, Commissioner, DPCD



## CITY OF ATLANTA

KASIM REED  
MAYOR


DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
404-330-6145 – FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)

JAMES SHELBY  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Charletta Wilson Jacks, Zoning Administrator 

**SUBJECT:** U-13-24 for 3425 Browns Mill Road, S.E.

**DATE:** April 10, 2014

The applicant seeks a Special Use Permit (Section 16-16.005(1)(n)) for a Processing Operation Facility (recycling).

#### FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 1,857 feet on the northwesterly side of Browns Mill Road and begins approximately 250 feet at the intersection of Hamilton Boulevard. It is located in the Glenrose Heights Neighborhood of NPU Z in Council District 12.
- **Property size and physical features:** The subject property is a 1.042 acre industrial site that is developed with one story brick building. Access to the site is provided via two driveways located off of Hamilton Road and one driveway located off of Browns Mill Road. The loading bays and parking for the trucks are located on the northeast side of the building. There are a few mature trees that buffer the property along both Hamilton Boulevard and Browns Mill Road.
- **Current/past use of property:** The site is currently in not in use. Staff is unaware of any past uses of the property.
- **Surrounding zoning/land uses:** The subject property is immediately adjacent to properties zoned I-1 (Light Industrial). The subject property has a future land use of Industrial as indicated on the City of Atlanta's Future Land Use map.
- **Transportation system:** Cleveland Avenue is an arterial street that provides access to Browns Mill Road. The area is served by MARTA bus routes.

**PROPOSAL:** The applicant seeks a Special Use Permit for hazardous and non-hazardous chemical waste collection, packaging and transportation services to municipalities, universities, hospital and other industrial customers. There will be three (3) employees onsite: two regional chemists and a regional operations manager. One employee will travel to and from the site daily. Tradebe Environmental Services will operate Monday – Friday from 8:00am – 5:00pm.

The facility will store hazardous and non-hazardous chemicals onsite for a maximum of 10 days per the State of Georgia regulations. Once the chemicals are brought to the site, the chemist then inspects and transports the material to a facility that is RCRA (Resource Conservation and Recovery Act) certified. All materials will be securely stored outside of the building until time of shipping. The site will not be utilized to recycle or separate hazardous materials.

- **Ingress and egress:** Ingress and egress to the subject property is provided by an existing driveways located off Hamilton Boulevard and Browns Mill Road.
- **Parking and loading:** Employees will utilize the designated employee parking area located off of Browns Mill Road. All truck deliveries will be done via the two entrances located off of Hamilton Boulevard. Drivers will also have the ability to park in one of the 6 loading bays provided by the applicant. Service personnel will utilize the existing driveway and proposed parking to access the site.
- **Refuse and service areas:** The applicant has proposed to utilize City of Atlanta commercial disposal services for refuse generate by the operation of the facility. Hazardous and non-hazardous waste will not be disposed of utilizing city services. Refuse will be picked up weekly from an undisclosed location on the subject property.
- **Buffering and screening:** The entire site is currently buffered by a few mature trees. However, the applicant has proposed to install a 6 foot cyclone fence with barbed wire around the section where the trucks will be stored.
- **Hours and manner of operation:** The proposed facility will operate Monday – Friday from 8:00am – 5:00pm with approximately 4 employees. The facility will be the storage location for hazardous and non-hazardous materials. An employee of the facility, who will serve as a driver and a chemist, will pick up the materials from offsite locations, inspect and then deliver to the facility. The materials are then stored for a maximum of 10 days and delivered to a certified disposal facility. All of the containers onsite will be locked nightly and secured behind the proposed 6 foot fence.
- **Duration:** The applicant requests an indefinite duration.
- **Tree Preservation and replacement:** No changes are proposed to impact any on-site trees.
- **Required yards and open space:** The applicant has indicated that the required yards and open spaces are in compliance and that any additions made to the subject property will comply with the minimum building requirements for the I-1 district.



## CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Based on the site plan submitted by the applicant and an on-site review conducted by staff there appears to be adequate access to the property via the driveways located off of Browns Mill Road and Hamilton Boulevard. Furthermore, emergency vehicles will enter the property through the same driveways as aforementioned. There is adequate room onsite for vehicle turnaround. Therefore, Staff is of the opinion that the existing ingress and egress is sufficient to ensure automotive and pedestrian safety and will not create traffic congestion.
- b) **Off-street parking and loading:** There is adequate room on site to accommodate off street parking. The applicant has proposed to add 13 stripped parking spaces which will be designated for employees and visitors to the facility. Additionally, the site plan depicts an area for the trucks and containers that are parked and stored onsite and within the 10 day time frame. Therefore, Staff is of the opinion that the applicant has met the off-street parking and loading requirements.
- c) **Refuse and service areas:** The Fulton County Department of Health Services has had the opportunity to review the applicant's proposal. The following comments were received from the Fulton County Department of Health Services on January 16, 2013:
- *Since this proposed development constitutes a premise where people work, live, or congregate, onsite sanitary facilities will be mandatory, prior to use or occupancy.*
  - *This development must comply with the Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 – Health and Sanitation, Article III – Smokefree Air.*
  - *If there is no proposed renovation to the existing structure(s) and the existing sanitary facilities meet the required numbers to accommodate the anticipated capacity generated by the proposed use, Fulton County Department of Health and Wellness does not anticipate any health problems related to water and sewage disposal so long as the building is connected to public water and public sanitary sewer.*
  - *This Department is requiring that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.*
  - *Since this facility is proposed to provide hazardous chemical waste collection, packaging, and transportation services, it is recommended that appropriate measures are taken and best practices are utilized, in addition to any requirements set forth by appropriate agencies, to protect potentially affected populations in the event of an emergency.*

The Fulton County Department of Health Services will be responsible for the oversight of any health issues associated with the operation of this business and have offered recommendations for operating within their standards. Staff is of the opinion that once a refuse area is delineated onsite, the use of City services appears to be adequate.

- d) **Buffering and screening:** Staff is of the opinion that the proposed method of buffering and screening is adequate. The applicant has proposed to install a 6 foot cyclone fence with barbed wire. Therefore, Staff is of the opinion that the proposed method for buffering and screening is sufficient.
- e) **Hours and manner of operation:** The applicant proposes to operate the facility Monday – Friday from 8:00am-5:00pm. The facility would employ approximately 4 employees. The applicant also appears to have relevant experience operating a waste management facility as there are currently 16 locations in the United States (<http://www.tradebeusa.com>). Furthermore, the applicant has proposed additional safeguard measures to ensure that the surrounding area is not negatively impacted by the addition of this facility. Staff is of the opinion that the proposed location for the waste management facility is not out of character with the surrounding land use, the applicant has adequate experience with the proposed operation and the hours and manners of operation are sufficient to operate such a facility.
- f) **Duration:** Staff is not supportive of an indefinite duration. Should this application be approved, staff would recommend a limited duration.
- g) **Compatibility with policies related to tree preservation:** In its existing state, staff is of the opinion that the subject property is in compliance with the City’s Tree Ordinance.
- h) **Required yards and open space:** In its existing configuration, the required yards and open space appear to be met.

**STAFF RECOMMENDATION: APPROVAL conditioned on the following:**

1. Site plan titled “Tradebe Treatment Recycling, Inc.” dated November 26, 2013 and marked received by the Office of Planning on December 2, 2013.
2. This Special Use Permit shall be valid as long as Tradebe Environmental Services, LLC is the operator and for a 5 year duration from the date of approval by the Atlanta City Council.
3. Packaging of products shall not be done on the premises; products shall arrive already packaged and ready to transport to end destination.

cc: James Shelby, Commissioner, DPCD